

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

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|------------------------|---|--------------------------------|
| TEKYSHA WASHINGTON, | § | |
| Petitioner, | § | |
| | § | |
| V. | § | Civil Action No. 4:14-CV-353-O |
| | § | |
| JODY R. UPTON, Warden, | § | |
| FMC-Carswell, | § | |
| Respondent. | § | |

OPINION AND ORDER

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Tekysa Washington, a state prisoner confined in the Federal Medical Center-Carswell (FMC-Carswell) in Fort Worth, Texas, against Jody R. Upton, Warden of FMC-Carswell, Respondent. After considering the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed for lack of subject matter jurisdiction.

I. BACKGROUND

Petitioner is serving a term of eighty-four months imprisonment for her conviction in the United States District Court for the District of Columbia for assaulting, resisting or impeding certain officers or employees in Case Number 10-169. Resp't's App. 40-41, ECF No. 10. Her projected release date is May 30, 2017. *Id.* at 10.

The record reflects Petitioner was diagnosed with schizoaffective disorder and psychosis and initially consented to treatment with Prolixin in April 2012. Resp't's App. 10, 13, ECF No. 12. Thereafter, on at least one occasion Petitioner was forcibly injected with Prolixin because she refused medical treatment and was inflicting self-injury. *Id.* at 16-20. Petitioner has refused Prolixin treatment since May 2, 2014. Resp't Resp. *Id.*

II. ISSUES

In this habeas petition, Petitioner asserts that she has been and continues to be injected with Prolixin, an antipsychotic medication, without her consent and that the medication has caused excessive weight gain, blindness in her left eye and an eighty-percent loss of vision in her right eye. Pet. 1-3, ECF No. 2.¹ She seeks immediate unconditional release so that she may receive expert medical care and an injunction. *Id.* at 3.

III. DISCUSSION

Challenges to the conditions of Petitioner's confinement and her request for injunctive relief must be brought in a civil-rights complaint pursuant to 42 U.S.C. § 1983.² *Nelson v. Campbell*, 541 U.S. 637, 643 (2004). Such claims, which do not impact the fact or duration of her confinement, are not cognizable on federal habeas review. *Cook v. Tx. Dept. of Criminal Justice*, 37 F.3d 166, 168 (5th Cir. 1994).

III. CONCLUSION

For the reasons discussed herein, Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DISMISSED for lack of subject matter jurisdiction.

SO ORDERED on this 20th day of May, 2015.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹The document is not paginated; thus, the pagination in the ECF header is used.

²The Court notes that Petitioner filed a § 1983 complaint raising the same or similar claims, which was dismissed on January 14, 2015, for lack of prosecution. Order, *Washington v. Dr. Silvas, et al.*, Civil Action No. 4:14-CV-412-O, ECF No. 11.